

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AARON L. HARTMAN,

Plaintiff,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

Defendant.

Case No. 09-5028

**NOTICE OF WITHDRAWAL OF NATIONAL BOARD OF
MEDICAL EXAMINERS' MOTION FOR PARTIAL STAY PENDING APPEAL**

On March 24, 2010, defendant National Board of Medical Examiners ("NBME") filed a Motion for Partial Stay Pending Appeal (D.E. 33) with respect to the Court's Memorandum Opinion dated March 9, 2010 (the "Memorandum") and its corresponding Preliminary Injunction Order dated March 22, 2010 (the "Order") (collectively, the "Preliminary Injunction"). The requested stay related to a single aspect of the Court's Preliminary Injunction: namely, the requirement that NBME release the score that Mr. Hartman obtains when he takes the Step 2 Clinical Skills ("Step 2 CS") component of the United States Medical Licensing Examination using text-to-speech ("TTS") technology.

Mr. Hartman took the Step 2 CS examination pursuant to the Preliminary Injunction. He tested without using TTS technology on March 24 and 25, 2010, and then tested using the technology on March 31 and April 2, 2010. NBME released Mr. Hartman's scores from the administration that did **not** include the TTS technology on

April 21, 2010. He achieved a passing score. It is therefore unnecessary for NBME to release the scores that Mr. Hartman achieved using the TTS technology. See Preliminary Injunction Order at ¶ 5 (D.E. 30) ("NBME shall release the score results from [the text-to-speech] administration *if necessary* on or before May 15, 2010.").

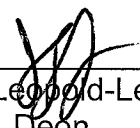
Because NBME is no longer required to report the scores Mr. Hartman achieved using the auxiliary aid to which NBME objected, NBME no longer needs the partial stay that it requested from the Court.

CONCLUSION

For the foregoing reasons, NBME respectfully withdraws its Motion for Partial Stay Pending Appeal.

Respectfully submitted,

EASTBURN AND GRAY, P.C.



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